

5. The basis of Defendants' Motion for Summary Judgment is Defendants' claim that they properly classified Plaintiff as administratively-exempt employee under the FLSA.
6. Under Federal Rule of Civil Procedure 56, Defendants are not entitled to summary judgment on this basis. The evidence presented by Defendants is insufficient to establish that there is no genuine issue of material fact. As set out in the Brief and Appendix in support of this Response, there are genuine issues of material fact as to whether Defendants properly classified Plaintiff as exempt from overtime under the administrative exemption to the FLSA.
7. Pursuant to Local Rule 56.4(b), each of the required matters set forth in Local Rule 56.4(a) is set forth in the Brief in Support of Plaintiff's Response to Defendants' Motion for Summary Judgment filed in this case.
8. In the alternative, the Court should stay briefing on Defendants' Motion for Summary Judgment until after it rules on Plaintiff's Motion to Compel (Doc. 39), and, if Plaintiff's motion is granted in whole or in part, allow Plaintiff to obtain the discovery sought and, after a short but reasonable time, allow Plaintiff to supplement this response in opposition to Defendants' motion with newly acquired evidence.

Respectfully submitted,

/s/ Travis Gasper

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record through the Court's ECF system as of the date file-stamped thereon.

/s/ Travis Gasper

TRAVIS GASPER